

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
CHECKLIST FOR ACCESS COMPLIANCE COMMITTEE
MEETING MINUTES**

January 19, 2012

1. CALL TO ORDER

Staff Member Jemmott opened the meeting at 10:15 a.m. at the California Building Standards Commission, 2525 Natomas Park Drive, Room 120, Sacramento, California 95833.

The off-site meeting location for teleconference was City of Los Angeles, Department on Disability, 201 N. Figueroa Street, Suite 100, Los Angeles, California 90012.

ROLL CALL

Staff Member Jemmott called the roll.

Commissioners Present:

Richard Luehrs, Chair (Teleconference)
Michael Nearman, Vice Chair
Mitchell Pomerantz (Teleconference)
Betty Wilson (Teleconference)

Staff Present:

James V. Vitale, Executive Director
Angela Jemmott, Program Analyst
Lavonia Wade, Office Administrator

Also Present:

Dawn Anderson, member of the public
(Teleconference)
Kirk Cooknick, American Institute of Architects,
California Council (AIACC)
Steve Dolim, Certified Access Specialist
Gary Leyman, Vice President, Certified Access
Specialist Institute
Donald Parks, Applied Technology Incorporated
(Teleconference)
David Peters, Lawyers Against Lawsuit Abuse
(Teleconference)
Richard Ray, Housing Plan Department of the
City of Newport (Teleconference)
John Sasson, Director of Business Development,
Accela, Inc.
Richard Ray, ADA Compliance Officer, City of Los
Angeles, Dept. on Disability

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
CHECKLIST FOR ACCESS COMPLIANCE COMMITTEE
JANUARY 19, 2012 MEETING MINUTES**

Staff Member Jemmott stated that a quorum was present.

2. APPROVAL OF MEETING MINUTES (December 12, 2011)

Executive Director Vitale asked to correct the Building Code publishing date from 2014 to 2013 on the tenth line down under Item 1: Call to Order. He also requested that a category, "Staff Present," be added to the Roll Call list and that his name be moved from Commissioners Present to Staff Present, along with the addition of staff members Angela Jemmott and Lavonia Wade.

MOTION: The Committee voted unanimously to approve the Minutes of December 12, 2011, as amended.

3. COMMENTS FROM THE PUBLIC ON ISSUES NOT ON THIS AGENDA

Public Comment

Richard Ray expressed his concern over limited access to and delay in connecting to emergency services, due to technological advances in access communication, such as wireless devices. He stated that it currently takes about 4-1/2 to 5 minutes to connect to the appropriate 9-1-1 Dispatch Center. He informed this Committee that the State of California is looking to set up a 9-1-1 Dispatch Center to include these updates in technology. Executive Director Vitale asked whether Mr. Ray has made contact with California Emergency Management Agency (CalEMA) to inquire what their programmatic response is to the questions that he raised. Mr. Ray responded in the affirmative and added that he was also working with the Federal Communication Commission (FCC) with this issue of national and state levels of emergency access.

Mr. Ray also expressed his concern that, although Congress recently passed legislation requiring carbon monoxide detection devices to be installed by 2013 or 2014, these devices only have audible warning signals. Executive Director Vitale recommended contacting the Building Standards Commission on this issue.

Mr. Ray added that people who are deaf, deaf and blind, hard of hearing, or have a speech disability, etc., who utilize these video relay services or telephone technology as part of their everyday communication in the home, need this video technology within the justice system. As an example, Mr. Ray noted that there are no interpreters on site or on call to provide communication services to people needing to communicate with staff members in California prisons or jails. Executive Director Vitale recommended bringing this issue up before the Prison Board as far as a programmatic responsibility on their part in order to provide this service with disabilities within the prison environment. Mr. Ray responded that he would do so.

Public Comment

Dawn Anderson attended the Division of the State Architect Advisory Board (DSAAB) Access Committee yesterday and informed this Committee that DSAAB has contracted

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
CHECKLIST FOR ACCESS COMPLIANCE COMMITTEE
JANUARY 19, 2012 MEETING MINUTES**

Terry Evans to do a comparison between the Americans with Disabilities Act (ADA) Standards and the California Building Code, Title 24, Section 11. The state will not begin any code language authoring until their review of that submittal. She asked what this Committee would be basing its Checklist on.

Executive Director Vitale directed Ms. Anderson to the December 12, 2011 Minutes. He stated this Committee would be working with the 2010 California Building Code (CBC) for the initial Checklist until the 2013 Code approval. In response to Ms. Anderson's request for clarification, Executive Director Vitale assured that the Checklist will not only be limited to local jurisdictions, but will act as a template for voluntary use by agencies or individuals to view their compliance in terms of the minimum requirements that are shown on that Checklist.

Ms. Anderson requested discussion around a disclosure on the Checklist noting that the California codes do not meet the more stringent model and federal codes.

Public Comment

Donald Parks followed up on a matter he brought to the Commission's attention in March 2009 and in October 31, 2011, regarding the broader concept of the CCDA's regard to program access. His concern is that the CASp is limited to built-environment activities, as opposed to programmatic activities. He stated a need to widen the scope to encompass the totality of the situation with respect to the person receiving the service.

Executive Director Vitale stated this issue would have to be forwarded to another Committee, as it does not specifically address the Checklist Committee. He assured that Mr. Park's concerns would be brought up before the Executive Committee as a new business item for consideration.

4. GENERAL BUSINESS ITEMS

a. Election of a Vice Chair.

MOTION: Commissioner Pomerantz moved to elect Commissioner Nearman as Vice Chair of the Checklist for Access Compliance Committee. Commissioner Wilson seconded. Motion carried unanimously.

b. Presentation to view Beta Electronic Documentation.

Executive Director Vitale responded to a question of whether or not the Accela presentation would be viewable to members of the public. He stated this is a proprietary presentation put together for the benefit of the Committee. This presentation is conceptual in nature; it has nonspecific content illustrating the actual Checklist. This presentation will present the Committee with the possibility of electronic technology as a medium for distribution of the Checklist subsequent to the

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
CHECKLIST FOR ACCESS COMPLIANCE COMMITTEE
JANUARY 19, 2012 MEETING MINUTES**

development of the content within. This product is multi-faceted in terms of content, direction, expediency, and transfer of information.

John Sasson, Director of Business Development with Accela, Inc., stated his company has been in business for thirty years, providing software solutions to government by using the Internet as a business tool and having access to a central database. Accela helps bring government into an active role in the field of technology. They would be the front office for all of government's regulatory transactions, whether business licenses, permits, service requests, or public health and safety issues. In addition, Accela adds mobility, geographic information systems (GIS), interactive voice response (IVR), and citizen access.

Mr. Sasson said Accela software allows agencies to take control, make modifications, share resources, and collaborate from local to state to federal levels. He stated fifty percent of California counties use Accela for providing building permits, planning, enforcing the code, mobilizing the workforce, and providing citizen access through the use of portals and electronic forms that guide each user through the process. He described Cloud Computing, a browser-based platform, using the Internet as a business tool. He described it as one system, one database, and emphasized increased productivity, efficiency, scalability, flexibility, and security.

Mr. Sasson pointed out that, because communication is automated, economic vitality increases. He stated each agency in the database can have its own design and business rules while sharing a single portal. He emphasized that the Cloud and the Internet create instant access and instant communication regardless of location or device – whether a mobile device, laptop computer, iPhone, iPad, etc. Issues spotted on the ground could be uploaded in real time – with details, photographs, attachments, comments, and signatures – to the back office. Managers would have instant access to any problem in the field, and be able to view the information and electronically communicate the solution to the field worker. Mr. Sasson wrapped up his presentation by stating that everything is augmented with touch-enabled maps; this full mobile office can also be augmented with "apps" specifically tailored for each purpose.

Public Comment

Gary Leyman asked if Accela would have the ability to interconnect with CRW TRAKiT, a similar company to Accela. Mr. Sasson responded that, since Accela has a service-oriented architecture, they regularly interface with third-party products. He said that many proprietary software companies do not allow that interconnectivity, so the question is whether the TRAKiT program would interface with Accela.

Public Comment

Steve Dolim asked whether checklist items would be controlled at a master level or whether an individual can make modifications. Mr. Sasson responded that their solution consultant configures the parameters of the checklist product and publishes it to the Committee. The Committee would then have complete control over modifying

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
CHECKLIST FOR ACCESS COMPLIANCE COMMITTEE
JANUARY 19, 2012 MEETING MINUTES**

the checklist, including securities and controls, and they would control the rights granted users.

Mr. Dolim went on to express his alarm at the potential broad use of this application and that it would be operated by persons with varying skill and judgment assisting the public in assessing their accessibility correctly.

Executive Director Vitale stated that the mission of the Committee, within the constraints of the Commission, is to create a minimal Checklist for building officials initially. That Checklist gives a certification, based upon certification of occupancy, proving that the particular space inspected has been found to be compliant. There would be a dual-column structure indicating those areas in which the CBC is not currently found to be compliant by the Department of Justice, with a parallel requirement for the ADA. Until the new Code comes out in 2013, it is necessary to show, in a parallel context, both the current Code and the ADA requirements as they presently exist. The inspector in the field will be able to look at both scenarios and make a determination based upon the minimum Code guidelines, together with the minimum requirements of the California Disabled Accessibility Guidebook (CalDAG).

Executive Director Vitale said that the next step would be to distribute this to the public in a less technical, more visual, self-prompting program, so the individual business owner can make a determination whether they have compliance or not, or whether they need to bring in a consultant for a detailed analysis.

Executive Director Vitale went on to say that this system allows for instantaneous updates each time there is a modification to code, without the need for a mailing system. If CASI or others wanted to further expand upon this, they are free to do so, if they observe this minimum requirement.

Mr. Dolim asked where the paper trail of their findings would be located. Mr. Sasson responded that Accela Automation Solution Support has this. The Accela Automation product is the source of record for all activities taking place. When an individual, through an App, updates an address, this is recorded – dated, time-stamped, and auditable – back in the Accela Automation Solution.

Executive Director Vitale recommended that this Committee create a dual database. One database will be based upon permits that have been pulled to accomplish the remediation. The other database will be based upon content of the CASp reports, which are stored in a central repository only accessible to and usable by the courts, not the public.

Public Comment

Dawn Anderson requested the Committee keep the topic focused on the Checklist for the next year and simplify the Committee's objectives to expedite the process. She

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
CHECKLIST FOR ACCESS COMPLIANCE COMMITTEE
JANUARY 19, 2012 MEETING MINUTES**

recommended going back to the Checklist in the manual or creating something simple, abbreviated, and easy to use in the field without any investment of peripheral equipment in order for the Committee to complete its task.

Executive Director Vitale stated that the purpose of this meeting was to expose the Committee to the existence of a product whereby it could rapidly create and disseminate this Checklist, subject to a recommendation being made to the legislative body as to its acceptability and the financing of the monies necessary to make this a reality. He further stated this Committee will reach out to stakeholder groups during the remainder of this year. Prior to having a product available to and usable by jurisdictional agencies, there needs to be a series of buy-ins that results from the participation of stakeholders and government agencies in the comment process, so that there will be a firm document to carry forward with the Committee's recommendations to the Legislature.

Commissioner Pomerantz added that the Committee discussed this in December, and that it was determined that a summary would leave out critical details that building inspectors required to do their job. It was determined that an electronic Checklist would have sufficient detail and yet be transportable.

Public Comment

David Peters stated this entire Commission was established due to a high number of lawsuits. Very detailed information must be provided to the court, and Mr. Peters said there needs to be an on-line printed version that can be downloaded and discernable and so a portion or excerpt can be printed out for the court. He expressed a need for reference to non-structural claims as well, such as services, policies and procedures. Mr. Peters pointed out that structural claims are only a subset of the claims that could be brought under Civil Code 52a; emerging claims are being concocted every day. He stated he was very encouraged by the Accela presentation and thinks it might be very appropriate, but feels it should be in addition to a major written source that people can be directed to.

Public Comment

Mr. Leyman stated he has used similar programs to Accela and expressed his opinion that there is not a way to put together a full Checklist that would meet each property design or object. However, the Accela program allows necessary comments individual to each case. Mr. Leyman also pointed out that Accela has the capability of coming into a final form within the appropriate time frame this Committee is looking for. He voiced his support of using the Accela program because of its ability to accommodate the Committee's requirements.

Mr. Sasson added that output comes in many forms; Checklist inspection results can be provided in multiple paper forms while simultaneously emailing them to the manager in the back office and the customer.

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
CHECKLIST FOR ACCESS COMPLIANCE COMMITTEE
JANUARY 19, 2012 MEETING MINUTES**

Ms. Anderson warned not to confuse inspectors in the field enforcing Title 24 with the use of a Checklist. The Checklist is for people who do not have a CASp and for inspectors who do not have strong knowledge of Title 24, and it is to be used as a field guide to point them in the right direction.

Executive Director Vitale directed Ms. Anderson to Senate Bill 1608 and the specific direction given to the Commission and to this Checklist Committee. The purpose of that Checklist is for building agencies and departments to have a uniform consensus in order to come into compliance with Title 24 and the ADA. He agreed with Ms. Anderson's point that there is a need for standardization of a minimal, simplified guild list, for use by business owners and others, with which to compare, evaluate, and establish a standard of care. He expressed his appreciation for the assistance and participation of the people attending these meetings and felt their added comments and observations would help expedite this process.

Chair Luehrs added that the checklists deployed are voluminous and recommended an updateable Cloud-based technology as an important component in allowing the various entities to readily access correct information. He emphasized the need to make this information available to a wide variety of people, including business owners.

Commissioner Pomerantz moved that the Checklist Committee recommend to the full California Commission on Disability Access that this project using the Accela system be fully reviewed at an upcoming Commission meeting for further discussion and possible implementation.

In response to Commissioner Wilson's question as to whether there would be adequate time to hear all the issues and concerns to make an informed decision if this were forwarded to the Commission for discussion, Executive Director Vitale said this Committee would first hold a series of open forums with stakeholders and others to develop a list of concerns and criteria. He estimated it would take ninety days to arrange, host, and collect the information necessary to carry this forward to the full Commission for hearing. Implementation will be subject to a consensus from the sponsoring Senator of Senate Bill 1608 and the willingness of the Legislature to identify that the monies saved by the implementation of this electronic technology will more than offset the cost of application and operation by a minimum factor of ten times.

Public Comment

Mr. Peters asked if the Committee's plan was only to produce an electronic Checklist. Executive Director Vitale assured him that it is the intent of this Committee to generate both an electronically available and a published or publishable document. Mr. Sasson agreed that there must be a printed document before it be can configured into electronic form.

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
CHECKLIST FOR ACCESS COMPLIANCE COMMITTEE
JANUARY 19, 2012 MEETING MINUTES**

Public Comment

Kirk Cooknick asked if Accela would produce simply a Checklist or whether there would be any construction documents included. Mr. Sasson stated customers utilize Accela from preplanning through Certificate of Occupancy, including the attached documents associated with the construction and all of the Checklist items that go along with it.

Mr. Cooknick asked about the security and availability of the documents. Mr. Sasson said that the protection of intellectual property was up to each regulatory agency. Accela provides the security controls to either lock it down or open it up.

MOTION: Commissioner Pomerantz moved that the Checklist Committee hold stakeholder meetings over the next ninety days, in order to get input from the community regarding this proposal and then recommend to the full California Commission on Disability Access that this project using the Accela system be fully reviewed at an upcoming Commission meeting for further discussion and possible implementation. Motion carried unanimously.

c. Establish dates for future Checklist Committee meetings.

Chair Luehrs stated, in the interest of time, the other business items on this agenda will need to be discussed at a future Committee meeting.

5. FUTURE AGENDA ITEMS

(See Item 4c.)

6. ADJOURN

MOTION: Chair Luehrs moved to adjourn the meeting. Commissioner Wilson seconded. Motion carried unanimously.

The meeting adjourned at 12:04 p.m.